

or CV properties. The Applicants agree. The Applicants nonetheless respectfully submit that there is still at least one additional defect with respect to Chen. While Chen refers to a cellulose ester “in a staple or filament form” in column 2 at line 29, there is no discussion in Chen as to how to make such a staple or filament form. The balance of the detailed description in Chen does not include any discussion as to how those staple or filament forms could or should be made and there are no examples forming staple or filament forms. As a consequence, Chen is non-enabling with respect to how to make the Applicants’ claimed continuous filaments.

The rejection nonetheless turns to Aranishi at least for disclosure with respect to the claimed strength of the fibers. Aranishi is said to disclose fibers having a strength ranging from 0.7 to 3.8 cN/dtex in column 9 and lines 1-10. As a consequence, the rejection takes the position that “motivated by the desire to form a fabric with excellent mechanical properties in uniformity, it would have been obvious to one having ordinary skill in the art at the time the intervention was made to form the fibers of Chen as continuous fibers and with the strength range as taught by Aranishi et al.” The Applicants respectfully submit, however, that if one skilled in the art were to look to Aranishi with respect to forming a fabric with excellent mechanical properties including the strength range taught by Aranishi, one skilled in the art would employ a cellulose derivative in conjunction with a plasticizer.

This is because Aranishi teaches those skilled in the art that increased strength is imparted by addition of the plasticizer --- not by the cellulose derivative alone. This is specifically taught in Aranishi at column 7 in the second full paragraph generally and the text beginning at line 37 in particular which recites that the plasticizer/additive “having a sufficiently high molecular weight has the effect of increasing the strength of the result in thermoplastic cellulose derivative fibers”. What this means to those skilled in the art seeking excellent

mechanical properties such as the strength range as suggested in the rejection would look to Aranishi for the source of that increase of strength and glean from Aranishi that the source of the strength is inclusion of the plasticizer/additive based on those overt teachings as mentioned above in column 7. If one skilled in the art were to also refer to the examples and comparative examples of Aranishi, this overall teaching of increasing strength by the utilization of the plasticizer/additive, would be confirmed.

The Applicants thus respectfully submit that one skilled in the art would understand that achieving the Applicants' affirmatively claimed strength values would require the importation of a plasticizer/additive from Aranishi into the teachings of Chen. The problem with importing those teachings to achieve the sought after strength range as taught by Aranishi would be the inclusion of that plasticizer/additive which is specifically precluded by the Applicants' Claim 1 which specifically recites that the continuous fibers "contain no plasticizer." Thus, the Applicants respectfully submit that the hypothetical combination of the teachings of Aranishi to achieve the strength range of Aranishi with Chen would result in a different woven fabric or knitted fabric from that as recited in the Applicants' claims. This is thus yet another reason why the hypothetical combination is inapplicable to the solicited claims. Withdrawal of the rejection on that basis alone is also warranted.

The rejection also frankly acknowledges that both Chen and Aranishi do not disclose the diameter of the filament as recited in Claim 6. The Applicants again agree. This means that the combination is non-enabling with respect to that claimed aspect. Thus, the combination again is inapplicable to Claim 6 and must be withdrawn.

The rejection recites that the claimed molecular weight of acyl units, initial tensile module, glass transition temperature and CV properties are inherent to the knotted or woven

fabric. It must be remembered that the standard for establishing inherency is very, very high. In that regard, it must be established that the allegedly inherent characteristic is “necessarily” present. It is not enough that the characteristic might be present, could be present or is even likely present. It must “necessarily” be present.

The Applicants respectfully submit that the combination of Aranishi with Chen would cause one skilled in the art to have a reasonable expectation that the above mentioned characteristics would inherently not likely be present. This is because the hypothetical combination which seeks (as set forth in the rejection) to provide the strength range as taught by Aranishi lead one skilled in the art to include a plasticizer/additive into the cellulose acetate propionate to achieve that strength as taught by Aranishi. The problem is that introducing such a plasticizer would likely cause various of these characteristics to change. This could include at least the initial tensile modulus, the glass transition temperature and the CV properties. In other words, introduction of another component into the filament, that component being explicitly excluded in Claim 1, would cause one skilled in the art to reasonably expect that various of the physical characteristics of the filaments would change. These potentially changeable characteristics include the above mentioned initial tensile modulus, glass transition temperature and CV properties.

Given the introduction of that precluded component into the filaments, the Applicants respectfully submit that the rejection does not establish that the allegedly inherent physical characteristics would “necessarily be present.” Could they be present? Maybe. However, maybe or even probably does not meet the standard for establishing inherency. Thus, the Applicants respectfully submit that all of the specifically claimed characteristics are not inherently present and, thus, the combination is inapplicable against those claimed

characteristics. Withdrawal of the rejection based on the combination of Aranishi with Chen is accordingly respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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